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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,942	11/05/2001	Wayne C. Boncyk	EVRY-0003	9193
7590	06/16/2004		EXAMINER	SHERALI, ISHRAT I
Robert D. Fish Rutan & Tucker LLP 611 Anton Blvd. Suite 1400 Costa Mesa, CA 92626			ART UNIT	PAPER NUMBER
			2621	
			DATE MAILED: 06/16/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/992942	Boncyk et al.	
	Examiner	Art Unit	
	Sherali Ishrat	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 31-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 31-47 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 35 is rejected under 35 USC 112 first paragraph as failing to comply with written description requirement.

Regarding claim 35, lines 1-3, claim recite " receive from telephony device a second image containing the objected and to further identify the object as function of data contained in both images". These limitations lacks support in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 31-34, 36-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Cambier et al. (US 6532298).

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Regarding claim 31, Cambier discloses a camera that captures an image (See Cambria, figure 3, col. 6, lines 1-2, image of the iris obtained);

a telephony device programmed to transmit at least portion of the image to distance service (See Cambier, figure 3, col. 6, lines 4-6, Cambier shows template of iris is transmitted to cellular provider i.e Cambier shows a telephony device programmed to transmit at least portion of the image to distance service);

the service programmed to receive the image identify an object within the image (See Cambier, figure 3, col. 6, lines mobile telephone service or other comparison controller iris template is compared with iris template stored in the memory, i.e cellular provider [service] is programmed to receive the image identify an object within the image [identify the image of the iris]);

associate the object with information address (See Cambria, col. 6, lines 12-14, cellular provider enables the call i.e Cambria shows associate the object with information address [telephone number]);

return the address to the telephone device (See Cambria, col. 6, lines 16-17, send a signal to the telephone processor directing to unlock telephone i.e return the address to the telephone device);

the telephony device further programmed to utilize address to retrieve an item of information related to the object (See Cambria, col. 6, lines 9-12, shows code of authorized subscriber is compared to pre existing codes in the memory or database i.e Cambria shows retrieving codes/template to match with received code/template)

Regarding claims 32-33, Cambier discloses telephony device comprise hand-held computer and a cell phone (See Cambier, figure 9A shows cell phone and this cell-phone inherently contains processor thereby it is hand held computer).

Regarding claim 34, Cambier discloses identify the object with by applying multiple algorithm and identify image as a function of the confidence level (See Cambria, col. 4, lines 30-34, imager acquires images of an iris for use conventional image processing and comparison routines, i.e Cambier by using comparison routines [multiple] Cambria shows identifying the object with by applying multiple algorithm and given multiple comparison routines, iris images can be identified as a function of the confidence level i.e how routines successfully identified the iris).

Regarding claims 36-37, Cambier disclose object is not coded and identifying a bar code or other symbols (See Cambier, col. 6, lines 9-10, template of iris is encrypted/decrypted or this is an optional i.e object is not coded and identifying a bar code or other symbols).

Regarding claim 38, Cambier disclose the service is hosted on a computer distance to the telephony device (See Cambier, col. 6, lines 8-9, mobile switching service is performing comparison of the iris template and iris template is transferred to mobile switching service using cell phone i.e Cambria service is hosted on the computer for comparison and distance to the telephony device [cell-phone]).

Regarding 39, Cambier discloses service is programmed to select the address from plurality of address of address that provide content in a format suitable for display (See Cambria, col. 6, lines 10-12, codes of authorized user is selected from

database/memory i.e service is programmed to select the address from plurality of address of address and figure 6 [block 376] shows mobile phone rovider transmitting a transmit authorization which is inherently content in a format suitable for display).

Regarding claim 40-41, Cambier discloses commercial transaction related to object (See Cambria, col. 3, lines 53-55, system of Cambier is used to authenticate user which can be for car rental place [commercial transaction]).

Regarding claims 42-44, Cambier discloses use address and the item of information to initiate software process, telephone call, radio transmission (See Cambria, col. 6, lines 12-14, based on the comparison of iris image [authorization] the cellular provider initiate a call placement to user which is same initiate software process [call placement], telephone call, radio transmission [cell phone calling]).

Regarding claim 45, Cambier discloses using address and the item information to send data to a website (See Cambier, col. 6, lines 15-18, Cambria disclose cellular provider can enable the call at the central station, the central station can be a inherently be a web site).

Regarding claim 46-47, Cambier discloses telephone device display graphics and audible sound (See Cambria, figure 7 and 9A, Cambier in figure shows digital camera with focus assessment and figure 9A shows cell-phone therefore Cambria system inherently can display graphics and produce audible sound).

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Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SherAli Ishrat whose telephone number is 703-308-9589. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

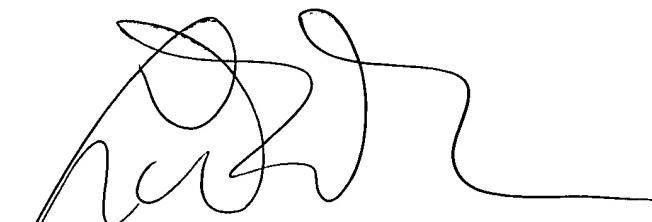
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ishrat SherAli

Patent Examiner

Group Art Unit 2621

June 10, 2004


LEO BOUDREAU
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